

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

vs.

NO. 4:08CR00132-001 SWW

VELMA MIRELES

ORDER

Upon review of defendant's motion to declare defendant indigent for purposes of appeal and attached financial affidavit, the Court finds that the motion [doc #41] should be, and it is hereby, **granted**.¹

The Court addressed on the record at sentencing the reasons for the imposition of a sentence greater than the recommended range for incarceration. For those same reasons, the motion for reconsideration (doc #42) is **denied**. Finally, the Court **grants** defendant's unopposed verbal motion for release pending appeal rendering motion for extension of time to report to Bureau of Prisons (doc #43) **moot**. The Court finds, pursuant to 18 U.S.C. § 3143(b)(1), that defendant is not likely to flee or pose a danger to any other person or the community, and that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in reversal or a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process. Defendant will remain on

¹The issue of appointment of counsel will be decided by the Eighth Circuit Court of Appeals.

bond subject to the same conditions as previously imposed.

IT IS SO ORDERED this 30th day of September 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE